

HOUSE BILL 714

By Hurt

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5, Part 2 and Title 7, Chapter 51, Part 17, relative to employees of local governments who have been arrested.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-1701, is amended by deleting the section and substituting instead the following:

(a) If a municipality or county has or implements a personnel policy that places an employee on leave for a period of time immediately following an arrest of the employee, the municipality or county shall implement a policy of restoring back pay to the employee if the charges are dropped or the employee is found not guilty of the charges. This requirement does not apply if the employee:

(1) Pleads guilty to the charges or enters into a plea agreement on the charges; or

(2) Separates from employment voluntarily before the charges are dropped or before the employee is found not guilty, or if the employee is administratively terminated for a reason other than the arrest.

(b) Public records related to an administrative action against an employee must be maintained for the applicable retention period and are not subject to destruction under § 40-32-101. Such public records are maintained solely for the purposes of documenting the administrative action and submissions in litigation.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.